

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOANNA BURKE and JOHN BURKE,

Plaintiffs,

v.

**HOPKINS LAW, PLLC, MARK
DANIEL HOPKINS and SHELLEY
LUAN HOPKINS,**

Defendants.

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Civil Action No. 4:18-cv-4543

DEFENDANTS' SUPPLEMENTAL RESPONSE TO PLAINTIFF'S MOTION TO STAY

Defendants Hopkins Law, PLLC, Mark Daniel Hopkins, and Shelley Luan Hopkins (hereinafter "Attorney Defendants"), files this Supplemental Response in Opposition to Motion to Stay [Doc. 7] filed by Plaintiffs Joanna Burke and John Burke. In Supplement to its Response to Plaintiffs' Motion to Stay, Attorney Defendants would respectfully show the Court the following:

1. On December 14, 2018, Plaintiffs filed a Motion to Stay Proceedings [Doc. 7] in response to Attorney Defendants' Motion to Dismiss. In their Motion to Stay, Plaintiffs sought leave of the Court to stay the case and/or indefinitely extend the federal deadlines. Plaintiffs requested the stay due to their lack to access to e-filing and the Christmas season, arguing that this should excuse them from responding to the Motion to Dismiss [Doc. 6] until the Court renders decision on the Motion to Remand [Doc. 8]. To date, Plaintiffs' have not filed a response to the Motion to Dismiss.

2. As explained in the Response to Motion to Stay [Doc. 11], the Plaintiffs, though Pro Se, have aptly represented themselves in the federal court and at the Fifth Circuit¹.

¹ *Deutsche Bank v. John Burke, et al.*; Civil Action No. 4:11-CV-01658; in the Southern District of Texas, Houston Division; Case No. 15-2021 in the U.S. Court of Appeals for Fifth Circuit (reversed and remanded for review of

3. It now appears that Plaintiffs requested the Court stay this case and another pending matter in this Court,² so they could devote their time to intervening in federal cases pending throughout the United States and not responding to live pleadings in this matter. Since the beginning of this year, the Plaintiffs have filed the following Motions to Intervene:

- a. *CFPB v. Ocwen, et al.*, Case No. 9:17-cv-80495 in the U.S. District Court for the Southern District of Florida, West Palm Beach Division [Doc. 220] filed January, 2019, **Exhibit A**;
- b. *Parra v. Ocwen Loan Servicing, LLC*; Case No. 1:18-cv-05936 in the U.S. District Court for the Northern District of Illinois, Eastern Division [Doc. 29 and Doc. 30] filed January 16, 2019, **Exhibit B**;
- c. *In Re Syngenta AG MIR 162 Corn Litigation*, Case No. 2:14-md-02591 in the U.S. District Court for the District of Kansas [Doc. 4065 and Doc. 4066] filed on January 17, 2019, **Exhibit C**.

4. In this case, Plaintiffs claims, brought against their adversary's counsel, are all baseless. Plaintiffs have not filed a response to Attorney Defendants Motion to Dismiss [Doc. 6] and have apparently requested stay of this case in bad faith. Attorney Defendants, personally sued for zealously representing their client, will be prejudiced by any delay in the resolution of this matter. Plaintiffs' request lacks merit and should be denied.

foreclosure requirements)("First Appeal"); Case No. 18-20026 in the U.S. Court of Appeals for Fifth Circuit (reversed and rendered for issuance of foreclosure judgment) ("Second Appeal"); *John Burke and Joanna Burke v. Ocwen Loan Servicing, LLC*, Case No. 4:18-CV-4544 in the United States District Court for the Southern District of Texas, Houston Division ("Ocwen Litigation").

² Plaintiffs also relief from this Court to stay the lawsuit filed by them against Ocwen Loan Servicing, LLC, based upon the same prior litigation and facts, *See* Case No. Case No. 4:18-CV-4544 at Doc. 7.

PRAYER

Pursuant to the reasons set out herein, Hopkins Law, PLLC, Mark Daniel Hopkins and Shelley Luan Hopkins respectfully request that the Court deny Plaintiffs' Motion to Stay and for all other relief to which they may be justly entitled.

Respectfully Submitted,

HOPKINS LAW, PLLC

/s/ Shelley L. Hopkins

Shelley L. Hopkins

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, and will send a true and correct copy to the following:

VIA CM/RRR # 7015 1520 0001 3934 2122

AND VIA E-MAIL:

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Kingwood, Texas 77339

VIA CM/RRR # 7015 1520 0001 3934 2139

AND VIA E-MAIL:

Joanna Burke
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PRO SE PLAINTIFFS

/s/ Shelley L. Hopkins
Shelley L. Hopkins